

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 2028 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

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RATILAL NATHUBHAI GHAYAL

Versus

ABDUL H.M. TAPIA THRO' POA BILKIS ABDUL HUSSAIN TAPIA

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Appearance:

MRS KETTY A MEHTA for Petitioners

MS KJ BRAHMBHATT for Respondent No. 1

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CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 29/08/96

ORAL JUDGEMENT

1. Petitioners are the owners of the premises in whose favour a judgment and decree of eviction was passed. The respondent is the tenant. He moved the court for setting aside the ex parte decree which prayer was granted. Against such order, the petitioner landlord has come to this court stating that setting aside of the

decree passed in favour of the landlord was not proper and remand of the entire suit which was ordered by the lower appellate court was not just and proper. During the pendency of this proceeding, the parties have amicably settled the dispute as per which the peaceful and vacant possession of the suit premises is given back to the petitioner. As per the terms and conditions agreed the decree of possession which is passed in favour of the landlord is required to be confirmed and the order of court below is required to be quashed and set aside. The pursis to the aforesaid effect duly signed by the appellant and respondent is produced before this court under which the tenant has received the amount agreed and he has also handed over the peaceful and vacant possession. In view of the aforesaid, the judgment and decree passed in favour of the landlord stands satisfied. The order passed by the lower appellate court is hereby quashed and set aside and the decree of eviction passed by the trial court is restored which is now recorded to be satisfied. The pursis is taken on record.

2. Rule is made absolute to the aforesaid extent only. There shall be no order as to costs.

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